

Amendment and Response to Office Action
Inventor(s): Yasuhiko Shimizu
U.S.S.N.: 09/719,316
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REMARKS

Claims 1-3, 5, 8-10 and 11-28 are pending. Claims 11-28 were previously withdrawn by the Examiner as being directed to a non-elected invention(s).

Claims 5, 11, 15 – 18, 22, and 25 – 28 have been amended herein. Support for these amendments can be found throughout the specification, e.g., at page 9, lines 18-21. No new matter has been added.

It is believed that the above amendments may be properly entered at this time, i.e., after final rejection, pursuant to 37 CFR §1.116, because the amendments do not require a new search or raise any new issues, and they reduce issues for appeal. Indeed, it is respectfully submitted that the amendments place the application in condition for allowance. Thus, entry of the amendments at this time is earnestly solicited.

Amendment of the claims should in no way be construed as an acquiescence to any of the rejections set forth in the instant Office Action, and was done solely to expedite prosecution. Applicant reserves the right to pursue the claims as originally filed in this or one or more separate applications.

The Office Action

Applicants wish to thank the Examiner for the courtesy of telephonic interviews conducted on August 25 and August 31, 2005, and December 8, 2005, with Applicants' undersigned representative. During the Interviews, the rejections of claims

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5, 8 and 10 were discussed, and potential claim amendments were also discussed. No final agreement was reached, but the Examiner agreed to consider Applicants' proposed amendments and remarks.

Applicants note with appreciation the Examiner's withdrawal (in the Office Action) of certain previous rejections of record. Applicants further note with appreciation the Examiner's indication that claims 1-3 and 9 are allowed.

Applicants request reconsideration of the remaining claims in view of the amendments and remarks herein.

Rejections under 35 U.S.C. §102/103 over the Bell patent

Claim 5 stands rejected under 35 U.S.C. 102(e)/103(a) in view of Bell, U.S. Patent 6,179,872 ("the Bell patent"). This rejection is traversed.

While Applicant maintains that the claims as previously pending patentably distinguish over the cited references (including the Bell patent), for purposes of expediting prosecution, claim 5 has been amended to depend from independent claim 1. Claim 1 presently stands allowed; therefore, Applicants respectfully submit that amended claim 5, which depends from claim 1, is also allowable. Reconsideration and withdrawal of this rejection is proper and the same is requested.

Rejections under 35 U.S.C. §103

Claims 8 and 10 stand rejected under 35 U.S.C. 103(a) over the Bell patent in view of Yasuhiko WO98/22157 ("the Yasuhiko publication"). This rejection is traversed.

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While Applicants maintain that the claims as previously pending patentably distinguish over the cited reference(s), Applicants note that claims 8 and 10 depend from claim 5, which, as discussed above, is allowable. Claim 10 also depends from claim 3, which the Examiner also indicated to be allowed. Thus, Applicants contend that claims 8 and 10, being dependent upon an allowable claim(s), are therefore also allowable. Reconsideration and withdrawal of the rejection is proper and the same is requested.

Rejoinder of Claims 11-28

Claims 11-28, as amended, are directed to a process for producing the collagen material of claim 1. Therefore, Applicants submit that all of the pending claims relate to a single inventive concept within the meaning of PCT Rule 13.1 (see also MPEP §1850). Accordingly, Applicants contend that rejoinder and allowance of claims 11 - 28 is proper, and such action is requested.

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Conclusion

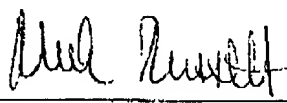
In view of at least the amendments and/or remarks set forth above, Applicant submits that all claims are in condition for allowance. Early and favorable action is earnestly requested.

The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 55474 (70968). A one month extension of time is required for consideration of this response.

If the undersigned can be of any assistance in advancing the prosecution of this case, the Examiner is invited to contact him using the information provided below.

Respectfully submitted,

Date: December 12, 2005
Customer No.: 21874

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